

HOUSE BILL 730

E4

11r2060

By: **Delegates Simmons, Rosenberg, and Dumais**

Introduced and read first time: February 10, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

CHAPTER _____

1 AN ACT concerning

2 ~~Public Safety—Regulated Firearms—Mental Disorder~~
3 Task Force to Study Access of Individuals with Mental Illness to Regulated
4 Firearms

5 FOR the purpose of ~~altering certain provisions relating to regulated firearms dealer's~~
6 ~~licenses, the application for a permit to possess, and the possession of regulated~~
7 ~~firearms, and the sale, rental, or transfer of regulated firearms to limit certain~~
8 ~~permits, transactions, and the possession of a firearm if a person has been~~
9 ~~treated within a certain time period for a mental disorder described in a certain~~
10 ~~version of the American Psychiatric Association's "Diagnostic and Statistical~~
11 ~~Manual—Mental Disorders"; making a certain conforming change; and~~
12 ~~generally relating to regulated firearms~~ establishing a Task Force to Study
13 Access of Individuals with Mental Illness to Regulated Firearms; providing for
14 the membership, staffing, and duties of the Task Force; requiring the Governor
15 to appoint the chair of the Task Force; prohibiting a member of the Task Force
16 from receiving certain compensation; authorizing a member of the Task Force to
17 receive reimbursement for certain expenses; requiring the Task Force to report
18 to the Governor and the General Assembly by a certain date; providing for the
19 termination of this Act; and generally relating to the establishment of a Task
20 Force to Study Access of Individuals with Mental Illness to Regulated Firearms.

21 ~~BY repealing and reenacting, with amendments,~~
22 ~~Article—Public Safety~~
23 ~~Section 5-107(b)(4)(viii), 5-114(b)(2)(vi), 5-118(b)(3)(vii), 5-133(b)(7), and~~
24 ~~5-134(b)(9)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Annotated Code of Maryland~~
 2 ~~(2003 Volume and 2010 Supplement)~~

3 ~~BY repealing and reenacting, without amendments,~~
 4 ~~Article — Public Safety~~
 5 ~~Section 5-133(b)(6) and 5-134(b)(8)~~
 6 ~~Annotated Code of Maryland~~
 7 ~~(2003 Volume and 2010 Supplement)~~

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 9 MARYLAND, That ~~the Laws of Maryland read as follows:~~

10 ~~Article — Public Safety~~

11 ~~5-107.~~

12 (b) ~~An application for a dealer's license shall contain:~~

13 (4) ~~a statement by the applicant that the applicant:~~

14 (viii) ~~has [never spent more than 30 consecutive days in a medical~~
 15 ~~institution for treatment of] NOT BEEN TREATED WITHIN THE PREVIOUS 5 YEARS~~
 16 ~~FOR a mental disorder DESCRIBED IN THE VERSION OF THE AMERICAN~~
 17 ~~PSYCHIATRIC ASSOCIATION'S "DIAGNOSTIC AND STATISTICAL MANUAL —~~
 18 ~~MENTAL DISORDERS" THAT IS CURRENT AT THE TIME THE APPLICATION IS~~
 19 ~~SUBMITTED, unless a physician's certificate issued within 30 days before the date of~~
 20 ~~application is attached to the application, certifying that the applicant is capable of~~
 21 ~~possessing a regulated firearm without undue danger to the applicant or to another.~~

22 ~~5-114.~~

23 (b) ~~The Secretary shall revoke a dealer's license if:~~

24 (2) ~~the licensee:~~

25 (vi) ~~has [spent more than 30 consecutive days in a medical~~
 26 ~~institution for treatment of] BEEN TREATED WITHIN THE PREVIOUS 5 YEARS FOR a~~
 27 ~~mental disorder DESCRIBED IN THE VERSION OF THE AMERICAN PSYCHIATRIC~~
 28 ~~ASSOCIATION'S "DIAGNOSTIC AND STATISTICAL MANUAL — MENTAL~~
 29 ~~DISORDERS" THAT IS CURRENT AT THE TIME THE REVOCATION IS CONSIDERED,~~
 30 ~~unless the licensee produces a physician's certificate[, issued after the last~~
 31 ~~institutionalization and] certifying that the licensee is capable of possessing a~~
 32 ~~regulated firearm without undue danger to the licensee or to another;~~

33 ~~5-118.~~

1 ~~(b) A firearm application shall contain:~~

2 ~~(3) a statement by the firearm applicant under the penalty of perjury~~
3 ~~that the firearm applicant:~~

4 ~~(vii) has [never spent more than 30 consecutive days in a medical~~
5 ~~institution for treatment of] NOT BEEN TREATED WITHIN THE PREVIOUS 5 YEARS~~
6 ~~FOR a mental disorder DESCRIBED IN THE VERSION OF THE AMERICAN~~
7 ~~PSYCHIATRIC ASSOCIATION'S "DIAGNOSTIC AND STATISTICAL MANUAL~~
8 ~~MENTAL DISORDERS" THAT IS CURRENT AT THE TIME THE APPLICATION IS~~
9 ~~SUBMITTED, unless a physician's certificate issued within 30 days before the date of~~
10 ~~application is attached to the application, certifying that the firearm applicant is~~
11 ~~capable of possessing a regulated firearm without undue danger to the firearm~~
12 ~~applicant or to another;~~

13 ~~5-133.~~

14 ~~(b) A person may not possess a regulated firearm if the person:~~

15 ~~(6) suffers from a mental disorder as defined in § 10-101(f)(2) of the~~
16 ~~Health — General Article and has a history of violent behavior against the person or~~
17 ~~another, unless the person has a physician's certificate that the person is capable of~~
18 ~~possessing a regulated firearm without undue danger to the person or to another;~~

19 ~~(7) has been [confined for more than 30 consecutive days to a facility~~
20 ~~as defined in § 10-101 of the Health — General Article] TREATED WITHIN THE~~
21 ~~PREVIOUS 5 YEARS FOR A MENTAL DISORDER DESCRIBED IN THE VERSION OF~~
22 ~~THE AMERICAN PSYCHIATRIC ASSOCIATION'S "DIAGNOSTIC AND STATISTICAL~~
23 ~~MANUAL — MENTAL DISORDERS" THAT IS CURRENT AT THE TIME THE~~
24 ~~QUESTION OF THE POSSESSION IS BEING CONSIDERED, unless the person has a~~
25 ~~physician's certificate that the person is capable of possessing a regulated firearm~~
26 ~~without undue danger to the person or to another;~~

27 ~~5-134.~~

28 ~~(b) A dealer or other person may not sell, rent, or transfer a regulated~~
29 ~~firearm to a purchaser, lessee, or transferee who the dealer or other person knows or~~
30 ~~has reasonable cause to believe:~~

31 ~~(8) suffers from a mental disorder as defined in § 10-101(f)(2) of the~~
32 ~~Health — General Article, and has a history of violent behavior against the purchaser,~~
33 ~~lessee, or transferee or another, unless the purchaser, lessee, or transferee possesses a~~
34 ~~physician's certificate that the recipient is capable of possessing a regulated firearm~~
35 ~~without undue danger to the purchaser, lessee, or transferee or to another;~~

1 ~~(9) has been [confined for more than 30 consecutive days to a facility~~
 2 ~~as defined in § 10-101 of the Health – General Article] TREATED WITHIN THE~~
 3 ~~PREVIOUS 5 YEARS FOR A MENTAL DISORDER DESCRIBED IN THE VERSION OF~~
 4 ~~THE AMERICAN PSYCHIATRIC ASSOCIATION’S “DIAGNOSTIC AND STATISTICAL~~
 5 ~~MANUAL – MENTAL DISORDERS” THAT IS CURRENT AT THE TIME THE~~
 6 ~~TRANSACTION IS BEING CONSIDERED, unless the purchaser, lessee, or transferee~~
 7 ~~possesses a physician’s certificate that the recipient is capable of possessing a~~
 8 ~~regulated firearm without undue danger to the purchaser, lessee, or transferee or to~~
 9 ~~another;~~

10 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
 11 ~~October 1, 2011.~~

12 (a) There is a Task Force to Study Access of Individuals with Mental Illness
 13 to Regulated Firearms.

14 (b) The Task Force consists of the following members:

15 (1) the Secretary of State Police, or the Secretary’s designee;

16 (2) the Secretary of Health and Mental Hygiene, or the Secretary’s
 17 designee;

18 (3) the Attorney General, or the Attorney General’s designee;

19 (4) the Chief Administrative Law Judge of the Office of Administrative
 20 Hearings or the Judge’s designee;

21 (5) the Public Defender of Maryland, or the Public Defender’s
 22 designee;

23 (6) the Director of the Office of Forensic Services in the Department of
 24 Health and Mental Hygiene, or the Director’s designee; and

25 (7) the following individuals, appointed by the Governor:

26 (i) one representative of the Maryland Fraternal Order of
 27 Police;

28 (ii) one representative of the Johns Hopkins Center for Gun
 29 Policy and Research;

30 (iii) one representative of the National Rifle Association;

31 (iv) one representative of the Mental Health Association of
 32 Maryland;

